

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**



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Order Instituting Rulemaking to Consider
Authorization of a Non-Bypassable
Charge to Support California's Wildfire
Fund.

Rulemaking 19-07-017
(Filed July 26, 2019)

**MOTION FOR ORAL ARGUMENT
OF RUTH HENRICKS**

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September 6, 2019

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I. INTRODUCTION

Pursuant to the Assigned Commissioner's Scoping Memo and Ruling of August 14, 2019, Ms. Ruth Henricks timely files her Motion for Oral Argument.

II. MOTION FOR ORAL ARGUMENT

Oral argument is needed to provide the parties an opportunity to engage the Commissioners on the overwhelming number of issues inherent to the Wildfire Fund and thus, the imposition of any non-bypassable charge to capitalize the same.

The contested issues have been covered extensively in Ms. Henricks' Prehearing Conference Statement and Opening Comments.¹ Other parties have made similar arguments before the Commission, including the Commission's own Public Advocates Office,² Utility Consumer's Action Network,³ and the Wild Tree Foundation.⁴ Rather than repeat them here, it is sufficient to say the just and

¹ See generally R.19-07-017, Prehearing Conference Statement of Ruth Henricks, dated August 6, 2019; Opening Comment of Ruth Henricks, dated August 29, 2019.

² See generally R.19-07-017, Opening Comments of the Public Advocates Office, dated August 29, 2019.

³ See generally R.19-07-017, Opening Comments of the Utility Consumer's Action Network, dated August 29, 2019.

⁴ See generally R.19-07-017, Wild Tree Foundation Comments of Scoped Issues, dated August 29, 2019.

reasonableness of the non-bypassable charge – and the Wildfire Fund it would capitalize, given the weakened prudent manager standard applied to the Fund and the possibility for the transfer of an indefinite amount of utility wildfire liability onto ratepayers – is far from a given.

Yet, the single round of comments provided by Commissioner Rechtschaffen, without any evidentiary hearing or formal fact-finding process, and follow-up briefing to present arguments from an evidentiary record, communicate to the public that the Commission has already decided the non-bypassable charge is just and reasonable. In place of a fact-finding process, Commissioner Rechtschaffen has purported to take official notice of two reports commissioned by the Governor's office. As the Governor's office is the very driving force behind the Wildfire Fund and therefore, the non-bypassable charge at issue in this proceeding, the reports of which the Commissioner sought to take notice have no credibility on the issue on the central question in this proceeding: whether the non-bypassable charge to support the Wildfire Fund is just and reasonable.

With no evidentiary record aside from an inherently biased report, the above-described procedure cannot possibly amount to a public process sufficient to inform the Commission's decision to impose over \$13 billion in charges on utility customers over the next 15 years, as explained by numerous parties during the prehearing conference.⁵ Put simply, any decision within the 90-day time frame to approve the non-bypassable charge will amount to a denial of due process.

To be clear, the granting of oral argument will not cure said due process defect. Nevertheless, the circumstances of this proceeding demand oral argument be granted.

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⁵ R.19-07-017, Prehearing Conference Transcript, dated 8 August 2019, pp. 25, 31, 43, 44.

III. CONCLUSION

For the foregoing reasons, the CPUC should grant Ms. Henricks' Motion for Oral Argument.

Respectfully Submitted,

Dated: September 6, 2019

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